

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 313 be amended to read as follows:

- 1 Page 5, between lines 13 and 14, begin a new paragraph and
- 2 insert:
- 3 SECTION 6. IC 25-22.5-1-1.1 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.1 As used in this
- 5 article:
- 6 (a) "Practice of medicine or osteopathic medicine" means any one
- 7 (1) or combination of the following:
- 8 (1) Holding oneself out to the public as being engaged in:
- 9 (A) the diagnosis, treatment, correction, or prevention of any
- 10 disease, ailment, defect, injury, infirmity, deformity, pain, or
- 11 other condition of human beings;
- 12 (B) the suggestion, recommendation, or prescription or
- 13 administration of any form of treatment, without limitation;
- 14 (C) the performing of any kind of surgical operation upon a
- 15 human being, including tattooing, except for tattooing (as
- 16 defined in IC 35-42-2-7), in which human tissue is cut, burned,
- 17 or vaporized by the use of any mechanical means, laser, or
- 18 ionizing radiation, or the preparation of the skin or body orifice
- 19 by any means, for the intended palliation, relief, or cure; or
- 20 (D) the prevention of any physical, mental or functional ailment
- 21 or defect of any person.
- 22 (2) The maintenance of an office or place of business for the
- 23 reception, examination, or treatment of persons suffering from
- 24 disease, ailment, defect, injury, infirmity, deformity, pain or other
- 25 conditions of body or mind.
- 26 (3) Attaching the designation "doctor of medicine", "M.D.",
- 27 "doctor of osteopathy" "D.O.", "osteopathic medical physician",

1 "physician", "surgeon", or "physician or surgeon", either alone or
2 in connection with other words, or any other words or
3 abbreviations to a name, indicating or inducing others to believe that
4 the person is engaged in the practice of medicine or osteopathic
5 medicine (as defined in this section).

6 (4) Providing diagnostic or treatment services to a person in
7 Indiana when the diagnostic or treatment services:

8 (A) are transmitted through electronic communications; and

9 (B) are on a regular, routine, and non-episodic basis or under
10 an oral or written agreement to regularly provide medical
11 services.

12 In addition to the exceptions described in section 2 of this chapter,
13 a nonresident physician who is located outside Indiana does not
14 practice medicine or osteopathy in Indiana by providing a second
15 opinion to a licensee or diagnostic or treatment services to a
16 patient in Indiana following medical care originally provided to
17 the patient while outside Indiana.

18 (b) "Board" refers to the medical licensing board of Indiana.

19 (c) "Diagnose or diagnosis" means to examine a patient, parts of a
20 patient's body, substances taken or removed from a patient's body, or
21 materials produced by a patient's body to determine the source or
22 nature of a disease or other physical or mental condition, or to hold
23 oneself out or to represent that a person is a physician and is so
24 examining a patient. It is not necessary that the examination be made
25 in the presence of the patient; it may be made on information supplied
26 either directly or indirectly by the patient.

27 (d) "Drug or medicine" means any medicine, compound, or chemical
28 or biological preparation intended for internal or external use of
29 humans, and all substances intended to be used for the diagnosis, cure,
30 mitigation, or prevention of diseases or abnormalities of humans,
31 which are recognized in the latest editions published of the United
32 States Pharmacopoeia or National Formulary, or otherwise established
33 as a drug or medicine.

34 (e) "Licensee" means any individual holding a valid unlimited license
35 issued by the board under this title.

36 (f) "Prescribe or prescription" means to direct, order, or designate the
37 use of or manner of using a drug, medicine, or treatment, by spoken
38 written words or other means.

39 (g) "Physician" means any person who holds the degree of doctor of
40 medicine or doctor of osteopathy or its equivalent and who holds a
41 valid unlimited license to practice medicine or osteopathic medicine in
42 Indiana.

43 (h) "Medical school" means a nationally accredited college of
44 medicine or of osteopathic medicine approved by the board.

45 (i) "Physician's assistant" means an individual who:

46 (1) is an employee of a physician;

47 (2) is a graduate of a physician's assistant training program
48 approved by the board;

49 (3) has successfully completed the national examination
50 administered by the national commission on the certification of
51 physician's assistants; and

1 (4) has registered with the board.

2 (j) "Bureau" refers to the health professions bureau under IC 25-
3 1-5.

4 **(k) "Certified professional midwife" means an individual who**
5 **has completed and passed the credentialing process as**
6 **administered by the North American Registry of Midwives or a**
7 **successor organization."**

8 Section 7. IC 25-22.5-8-2 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec 2. (a) a person who
10 violates this article by unlawfully practicing medicine or osteopathic
11 medicine commits a Class C felony.

12 (b) **Except as provided in subsection (c),** ~~A~~ a person who
13 practices midwifery ~~without the license required under this article~~
14 commits a Class ~~D~~ **felony B misdemeanor.**

15 **(c) Subsection (b) does not apply to:**

16 **(1) a certified professional midwife (as defined in IC 25-**
17 **22.5-1-1.1 (k));**

18 **(2) a certified nurse midwife; or**

19 **(3) a student midwife who is under the supervision of a**
20 **person described in subdivision (1) or (2).**

21 ~~(c)~~ **(d)** A person who acts as a physician's assistant without
22 registering with the board as required under this article commits a
23 Class D felony.

24 Renumber all SECTIONS consecutively.

(Reference is to ESB 313 as reprinted February 2, 2001.)

Representative WELCH